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March 30, 2021

Hon. Loretta A. Preska
United States District Judge Southern District of New York 500 Pearl Street
New York, New York
Via ECF

Re: United States v. Donziger, No. 19-cr-561 (LAP)

Dear Judge Preska

Barring a dramatic upsurge in Covid-19, or a spread of vaccine-resistant mutant strain, it appears that trial in the above-entitled matter may be able to take place, consistent with CDC guidelines. Certainly your recent Order contemplates this. Under current guidelines, physical distancing will remain in place, and entire groups of people will be prevented from accessing the courthouse in accordance with the current Standing Order. These two circumstances will severely limit the number of persons who can attend Mr. Donziger's trial.

Fortunately, this can be ameliorated, in significant part, by the Court undertaking three actions. First, the physical location of the trial should be moved to the largest available courtroom. Second, an overflow room should be provided. Third, allowing remote audio-visual coverage of the trial so that those who cannot physically attend may observe the proceedings. The latter request is particularly important as these proceedings are of keen interest abroad.

As in many other proceedings without juries, members of the press should be permitted to sit in the jury box (consistent with physical distancing) to free seats for the general public.

Sincerely,

Ronald L. Kuby